



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107-4431

Mr. James Salvaggio, Director  
Bureau of Air Quality  
Pennsylvania Department of Environmental Protection  
Rachel Carson State Office Building  
P.O. Box 8468  
Harrisburg, Pennsylvania 17105-8468

1005 17 1997

Dear Mr. Salvaggio: *Jim*

This is to follow up on our October 30, 1997 phone conversation regarding the Lancaster County marginal ozone nonattainment area, in response to your October 23 letter on that topic. In your letter, you stated that the 1-hour ozone standard should be revoked in the Lancaster area. While I appreciate your concerns, as we discussed on October 30, EPA maintains that the standard cannot be revoked in any area that is currently violating the standard.

The following discussion addresses each of the points set out in your letter.

1) The area met the standard in the three-year period 1994-96.

EPA Response: As you know, the July 18, 1997 memorandum from President Clinton to EPA Administrator Carol Browner (62 FR 38421) directed EPA to revoke the 1-hour standard within 90 days for areas with no measured violations of the standard. During the summer of 1997, the only ozone monitor in Lancaster County recorded three exceedances of the 1-hour ozone standard. That monitor also recorded one exceedance in 1995. Because an area is only allowed an average of one exceedance per year in a three year period, these four exceedances of the 1-hour standard in the three-year period 1995-97 constitute a violation of that standard.

2) The area's ozone problem is due to overwhelming transport.

EPA Response: EPA cannot disregard confirmed exceedances of the ozone standard, no matter what might have caused them. This position was reaffirmed by the U.S. Court of Appeals for the Third Circuit, in an opinion filed on July 28, 1997. In that opinion, which denied the Southwestern Pennsylvania Growth Alliance's petition for review of EPA's May 1996 disapproval of the Commonwealth of Pennsylvania's redesignation request for the Pittsburgh area, the Court upheld that EPA may not disregard any valid data available as of the time it takes action to approve or disapprove a redesignation request. Furthermore, EPA's overwhelming transport policy addresses how states should handle nonattainment problems caused by transport, but does not allow EPA to declare that an area is meeting the standard on the grounds that it is affected by transport. EPA's October 10, 1997 proposed rule for states in the Ozone Transport Assessment Group (OTAG) region, the so-called SIP call, is designed to help states address such transport issues.

3) The design value for 1995-97 is 0.125 parts per million (ppm), only 0.001 ppm above the standard.

While the design value for the area is very close to the 1-hour ozone standard, it still constitutes a violation of the standard. Furthermore, the average number of expected exceedances for the three-year period 1995-97 is 1.33. When the number of expected exceedances for an area is greater than 1.0, the area is in violation of the 1-hour ozone standard. If the area records no exceedances of the standard in 1998 and meets the standard in the three-year period 1996-98, EPA will move expeditiously to revoke the 1-hour standard in the Lancaster area in early 1999.

I hope that this has addressed your concerns. If you would like to discuss this or any other issues, please feel free to contact me, at (215) 566-2654.

Sincerely,



Judith Katz, Acting Director  
Air Protection Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

2

3) The design value for 1995-97 is 0.125 parts per million (ppm), only 0.001 ppm above the standard.

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I hope that this has addressed your concerns. If you would like to discuss this or any other issues, please feel free to contact me, at (215) 566-2654.

Sincerely,

Judith Katz, Acting Director  
Air Protection Division

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CONCURRENCES							
SYMBOL	3AP21	3AP21 <i>PP</i>	3AP00				
SURNAME	Pino <i>PP</i>	Arnold <i>11/17</i>	Spink <i>11/17</i>				
DATE	10 Nov 98	11/17	11/17				

EPA Form 1320-1 (12-70)

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*Copies given to D. Arnold*  
*Mona*  
Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building

P.O. Box 8468

Harrisburg, PA 17105-8468

October 23, 1997

**Bureau of Air Quality**

Judith Katz, Director  
Air, Radiation & Toxics Division  
US Environmental Protection Agency  
Region III  
841 Chestnut Building  
Philadelphia, PA 19107-4431

RECEIVED  
Ozone, Co & Mobile Sources  
Section (3AT21)

717-787-9702

OCT 30 1997

EPA, REGION III

RECEIVED  
OCT 30 1997  
DEPUTY DIRECTOR, AIR  
RADIATION & TOXICS DIV.

Dear Ms. Katz: *Judy*

Thank you for your letter of October 1, 1997, concerning the revocation of the 1-hour ozone NAAQS for specific areas. The Department has reviewed the listing and agrees with the Counties identified for revocation. However, the Department also believes that Lancaster County should be included on the revocation list.

The Lancaster County site monitored one exceedance of the ozone NAAQS during the 1994 through 1996 ozone seasons. This one measured exceedance was 0.125 ppm. The expected number of exceedances was less than 1 per year. This data demonstrates that the County had attained the ozone standard during this time period.

The Lancaster County monitor measured 3 exceedances of the ozone NAAQS during 1997. These measurements are: 0.128 ppm on July 8, 0.133 ppm on July 14, and 0.139 ppm on July 15. This data shows a total of 4 measured exceedances and an expected exceedance of the standard of greater than one for the period 1995 through 1997. The design value for this time period is 0.125 ppm. However, the Department believes that several of these exceedances were the result of overwhelming transport from areas outside of Pennsylvania. Elimination of these days results in a design value that demonstrates attainment of the 1-hour ozone standard.

Specifically, the meteorological data demonstrates strong transport from the south on July 8, 1997 and August 2, 1995. Elimination of either or both of these exceedances places the Lancaster County area into compliance with the 1-hour NAAQS. We believe consideration of overwhelming transport is consistent with previous EPA guidance (Mary Nichols' memorandum titled "Ozone Attainment Dates for Areas Affected by Overwhelming Transport").

Any remaining high ozone levels will be reduced by implementation of the NOx MOU regulation and the inspection/maintenance program. In addition, there are a number of federal programs (consumer products, architectural coatings, etc.) which will result in further emission






reductions. Implementation of these delayed programs will further reduce emissions in the area resulting in lower ozone levels.

The Department believes that Lancaster County should be included on the attainment list. The design value is only 0.001 ppm higher than allowed when all monitored exceedances are included. The design value is below the standard when the overwhelming impact of transport is eliminated.

We believe that this issue is important and would like to discuss this with you prior to the publication of the revocation list in the *Federal Register*. Please contact me at your convenience to arrange a meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Salvaggio', with a stylized flourish at the end.

James M. Salvaggio  
Director







*Copies given to J. Arnold*  
*MARIA*

Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building

P.O. Box 8468

Harrisburg, PA 17105-8468

October 23, 1997

Bureau of Air Quality

Judith Katz, Director  
Air, Radiation & Toxics Division  
US Environmental Protection Agency  
Region III  
841 Chestnut Building  
Philadelphia, PA 19107-4431

RECEIVED  
Ozone/Co & Mobile Sources  
Section (SAT21)

717-787-9702

OCT 28 1997

EPA, REGION III

RECEIVED

DEPUTY DIRECTOR, AIR  
RADIATION & TOXICS DIV

Dear Ms. Katz: *Judy*

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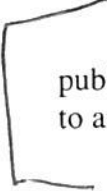

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Any remaining high ozone levels will be reduced by implementation of the NOx MOU regulation and the inspection/maintenance program. In addition, there are a number of federal programs (consumer products, architectural coatings, etc.) which will result in further emission

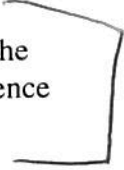


reductions. Implementation of these delayed programs will further reduce emissions in the area resulting in lower ozone levels.

The Department believes that Lancaster County should be included on the attainment list. The design value is only 0.001 ppm higher than allowed when all monitored exceedances are included. The design-value is below the standard when the overwhelming impact of transport is eliminated.



We believe that this issue is important and would like to discuss this with you prior to the publication of the revocation list in the *Federal Register*. Please contact me at your convenience to arrange a meeting.



Sincerely,



James M. Salvaggio  
Director





Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building

P.O. Box 2063

Harrisburg, PA 17105-2063

October 20, 1997

The Secretary

(717) 787-2814

Carol M. Browner  
Administrator

United States Environmental Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460

RECEIVED  
Air & Radiation Programs  
Branch (3AT10)

OCT 23 1997

EPA, REGION III

Dear Administrator Browner:

The Commonwealth of Pennsylvania, through its Department of Environmental Protection, hereby gives you notice of a "failure ... to perform an act or duty under [the Clean Air Act (CAA)] which is not discretionary with the Administrator" within the meaning of Section 304(a)(2) of the CAA. This notice is given pursuant to Section 304(b)(2) of the CAA and 40 C.F.R. Part 54 as a prerequisite to the filing of a civil action.

EPA received a Petition for Abatement of Excess Emissions under Section 126(b) of the CAA from Pennsylvania on August 15, 1997. That Petition requests a finding that a group of stationary sources emitting nitrogen oxides (NO<sub>x</sub> Affected Units) in a number of identified states (Transport States) are emitting air pollutants in violation of Sections 110(a)(2)(D) and 126 of the CAA. The Petition requests that EPA establish emission limitations for NO<sub>x</sub> Affected Units in the Transport States in order for Pennsylvania to achieve and maintain the National Ambient Air Quality Standard (NAAQS) for ozone.

Section 126 of the CAA requires the Administrator, after holding a public hearing, to make a finding or dismiss the Petition within sixty (60) days of receipt. The duty to take action on the Petition within sixty (60) days is not discretionary. Because the Petition was received by EPA on August 15, 1997, Section 126 required you to make a finding on or before October 14, 1997. However, as of this date, you have neither held a public hearing, proposed a finding, made a final finding, nor dismissed the Petition.

Instead, on October 14, 1997, EPA sought a deadline extension under Section 307(d) of the CAA for one (1) month. Section 307(d) does not provide authority for EPA to extend the deadline for proposing a finding under Section 126(b) of the CAA. Instead, it only authorizes EPA, under appropriate circumstances, to seek an extension of the deadline for issuing a final finding with respect to Section 126(b). Consequently, EPA's final deadline action extension does not limit or preclude a suit under Section 304(a)(2) of the CAA.

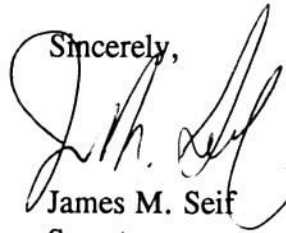


Pennsylvania remains willing and committed to working with EPA, Transport States and owners and operators of NO<sub>x</sub> Affected Units to establish a flexible market-driven approach to address transport issues. Pennsylvania believes that a phased market-driven approach to reducing emissions from NO<sub>x</sub> Affected Units provides flexibility for Transport States and certainty for Pennsylvania that reductions will be achieved in a timely fashion.

Pennsylvania recognizes and supports EPA's Section 110 SIP calls as an important component of the effort to address ozone transport. Pennsylvania's Section 126(b) petition is intended to supplement EPA's action and focus on NO<sub>x</sub> Affected Units which are responsible for preventing Pennsylvania from achieving and maintaining the ozone standard.

Pennsylvania requests that EPA immediately schedule a public hearing on the 126(b) Petitions that have been filed by Pennsylvania and other northeastern states. Such a hearing provides a forum for petitioning states, transport states, owners and operators of NO<sub>x</sub> affected units and the public to discuss this important issue and provide EPA with their views, insights and recommendations.

Unless EPA holds a public hearing and takes proposed action upon the Section 126(b) petition filed by Pennsylvania within sixty (60) days of the date of this letter, the Commonwealth intends to file suit pursuant to Section 304(a)(2) of the act.

Sincerely,  
  
James M. Seif  
Secretary  
Department of Environmental Protection





cc: W. Michael McCabe  
Marsha Spink  
Judy Katz







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107-4431

Mr. James M. Salvaggio, Director  
Department of Environmental Protection  
Bureau of Air Quality Control  
Commonwealth of Pennsylvania  
Market Street Office Building, 12th Floor  
400 Market Street  
P.O. Box 8468  
Harrisburg, Pennsylvania 17105-8468

OCT 1 1997

Dear Mr. Salvaggio: *Jm*

**RE: Revocation of the 1-Hour Ozone NAAQS for Specific Areas**

This is to request your Agency's assistance in reviewing the latest available air quality data to determine which areas in your State are not violating the 1-hour 0.12 parts per million (ppm) ozone standard. Please review the enclosed lists of areas and notify EPA immediately of (1) any errors in our interpretation of your 1994-1996 1-hour ozone data or (2) new violations in 1997 data that may or may not yet have been entered into the Aerometric Information Retrieval System (AIRS).

As you are aware, EPA revised the ozone national ambient air quality standard (NAAQS) on July 18, 1997 to establish an 8-hour, 0.08 ppm standard and made the 1-hour standard revokable for clean areas. The attainment status designations for the 8-hour standard are not expected until the year 2000. Also on July 18, 1997 (62 FR 38421), the President directed EPA to revoke the 1-hour standard within 90 days for areas with no measured violations of the standard. EPA is required to publish a notice in the Federal Register to permanently revoke the applicability of the 1-hour, 0.12 ppm ozone standard in areas that the EPA has determined not to be violating that standard. In the future, areas that are currently violating the 1-hour standard will have air quality data that is no longer violating that standard. EPA will revoke the 1-hour standard in those areas in subsequent notices.

Because (1) attainment of the 1-hour standard is determined on a three year average expected exceedance basis and (2) the ambient air quality data for the 1994-1996 period is the most recent data that has been quality assured and entered into AIRS, data for that period will be used by EPA to revoke the 1-hour standard. While all the ambient data from 1997 may not have been totally quality assured, some violations may have already been verified. Because of the permanence of this action, and in order to prevent the premature or erroneous revocation of the 1-hour standard, EPA is requesting your Agency to concur on EPA's interpretation of areas in your State that are not violating the 1-hour standard. EPA will also be revoking the 1-hour ozone standard in all areas currently designated as attainment for the 1-hour standard, no-data areas and



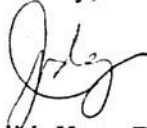
incomplete data areas, if these areas are not currently violating that standard. All nonattainment areas will continue to be treated as a whole and the 1-hour standard will not be revoked until all portions of the nonattainment area are not violating the standard.

No future planning for attainment of the 1-hour standard will be necessary in such areas where EPA revokes the 1-hour standard. Maintenance plans are not being required for nonattainment areas where EPA is revoking the standard. Similarly, in maintenance areas which have been redesignated to attainment, contingency measures triggered by exceedances of the 1-hour standard will no longer be triggered after that standard is revoked. Other differences may exist in the conformity budget and permitting requirements between nonattainment areas and maintenance areas where the standard is revoked.

Revocation of the 1-hour standard does not preclude the area from being redesignated back to nonattainment of the 8-hour standard in the year 2000, when EPA expects to be making national designations/classifications for the 8-hour standard.

Because EPA intends to publish the list of areas in which the 1-hour standard is being revoked within 90 days of the Presidential Directive (i.e., by mid-October 1997), your immediate attention is requested. If I can be of further assistance, or if you or your staff have questions on this subject, please do not hesitate to contact me at (215) 566-2050, or David Arnold of my staff at (215) 566-2172.

Sincerely,



Judith Katz, Director  
Air, Radiation & Toxics Division

ENCLOSURE

cc: Mr. Jeffrey Miller





## PENNSYLVANIA

### AREAS WHERE THE 1-HOUR NAAQS IS BEING REVOKED

#### Allentown-Bethlehem-Easton Area

Carbon County, Lehigh County, and Northampton County

#### Altoona Area

Blair County

#### Crawford County Area

Crawford County

#### Erie Area

Erie County

#### Franklin County Area

Franklin County

#### Greene County Area

Greene County

#### Harrisburg-Lebanon-Carlisle Area

Cumberland County, Dauphin County, Lebanon County, and Perry County

#### Johnstown Area

Cambria County and Somerset County

#### Juniata County Area

Juniata County

#### Lawrence County Area

Lawrence County

#### Northumberland County Area

Northumberland County

#### Pike County Area

Pike County

#### Reading Area

Berks County

#### Schuylkill County Area

Schuylkill County



Scranton-Wilkes-Barre Area

Columbia County, Lackawanna County, Luzerne County, Monroe County, and Wyoming County

Snyder County Area

Snyder County

Susquehanna County Area

Susquehanna County

Warren County Area

Warren County

Wayne County Area

Wayne County

York Area

Adams County and York County

Youngstown-Warren-Sharon Area

Mercer County

AOCR 151 NE Pennsylvania Intrastate (Remainder of)

Bradford County, Sullivan County, and Tioga County

AOCR 178 NW Pennsylvania Interstate (Remainder of)

Cameron County, Clarion County, Clearfield County, Elk County, Forest County, Jefferson County, McKean County, Potter County, and Venango County

AOCR 195 Central Pennsylvania Intrastate (Remainder of)

Bedford County, Centre County, Clinton County, Fulton County, Huntingdon County, Lycoming County, Mifflin County, Montour County, and Union County

AOCR 197 SW Pennsylvania Intrastate (Remainder of)

Indiana County





## **AREAS STILL SUBJECT TO THE 1-HOUR NAAQS**

### **Lancaster Area<sup>1</sup>**

Lancaster County

### **Philadelphia-Wilmington-Trenton Area**

Bucks County, Chester County, Delaware County, Montgomery County, and Philadelphia County

### **Pittsburgh-Beaver Valley Area**

Allegheny County, Armstrong County, Beaver County, Butler County, Fayette County, Washington County, and Westmoreland County

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<sup>1</sup> EPA's decision not to revoke the 1-hour ozone NAAQS in this area is based on 1997 "fast track" data submitted to EPA by the Commonwealth of Pennsylvania. If final quality assurance of the data establishes that a violation of the 1-hour ozone NAAQS did not occur, EPA will revoke the standard in this area in a subsequent Federal Register notice in early 1998.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107-4431

Lu

Honorable James M. Seif, Secretary  
Department of Environmental Protection  
Commonwealth of Pennsylvania  
P.O. Box 2063  
Harrisburg, Pennsylvania 17120-2063

May 7, 1997

Dear Mr. Seif:

The 1990 Clean Air Act Amendments (CAA) established a number of requirements intended to address widespread nonattainment of the national ambient air quality standard for ozone. The CAA also established deadlines for States to submit State Implementation Plan (SIP) revisions in accordance with these requirements. Because several States experienced significant difficulties in meeting certain of these requirements for ozone nonattainment areas classified as serious and above, EPA extended the deadlines for the SIP submittals. Specifically, EPA extended the deadline for submitting attainment demonstrations and for control measures providing for progress in reductions in ozone precursors. The time extensions were established in a memorandum entitled "Ozone Attainment Demonstrations" from EPA Assistant Administrator Mary D. Nichols to the Regional Administrators, March 2, 1995 (the March 2, 1995 memorandum).

We commend the Department of Environmental Protection and its Bureau of Air Quality for the SIP elements that have been adopted and submitted to EPA to date. However, while we recognize that Pennsylvania has made substantial progress in meeting its obligations under the CAA, not all of the required SIP elements have been submitted. This office intends to continue to work closely with the Department of Environmental Protection to undertake all necessary efforts to ensure that the remaining submittals are made as soon as possible in order to avoid the implementation of sanctions and the need to promulgate a Federal Implementation Plan (FIP).

By today's letter, pursuant to section 179(a), EPA is making a finding of failure to submit, for the Philadelphia nonattainment area, enforceable commitments to adopt additional measures needed for attainment and to submit the remainder of the rules to meet the rate-of-progress requirements pending the modeling results of the Ozone Transport Assessment Group (OTAG) for the Philadelphia nonattainment area. These enforceable commitments were required for Phase I of the two-phased flexible approach outlined in the March 2, 1995 memorandum. An enforceable commitment is one that has gone through the State's rulemaking process. In general, a finding is made when the State fails to make any submittal or the State fails to adopt and/or subject the required rules to public hearing as required under CAA section 110(1).

Please note that in a letter to you, dated May 2, 1996, we emphasized the importance of all the components of the Phase I requirements for the ozone SIP submittals and summarized the Commonwealth's progress on these submittals. We trust that you will continue to correct any deficiencies referenced in that letter.

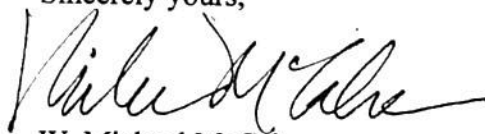
If Pennsylvania has not made a complete submittal of the enforceable commitments to adopt additional rules needed for attainment and ROP within 18 months of the effective date of the final rulemaking setting forth the finding, pursuant to CAA section 179(a) and 40 CFR section 52.31, the offset sanction identified in CAA section 179(b) will be applied in the affected areas. If Pennsylvania has still not made a complete submission 6 months after the offset sanction is imposed, then the highway funding sanction will apply in the affected areas in accordance with 40 CFR 52.31. In addition, section 110© of the CAA provides that EPA promulgate a FIP no later than 2 years after a finding under section 179(a).

The 18-month clock will stop and the sanctions will not take effect if, within 18 months after the date of the finding, EPA finds that the State has made a complete submittal of an adopted 9 percent Post-1996 ROP plan and an enforceable commitment to adopt additional measures needed for attainment. In addition, EPA will not promulgate a FIP if the State makes the required SIP submittal and EPA takes final action to approve the submittal within 2 years of EPA's finding.

I emphasize that the findings made imply no judgment as to State intent; they are merely statements of fact that EPA is required to make under the CAA. EPA takes very seriously its responsibility to administer the CAA in a fair and just manner, and these findings are exercises of that responsibility.

I look forward to working closely with you and your staff to ensure that the CAA's requirements are met in a timely and effective manner without adverse consequences.

Sincerely yours,

A handwritten signature in black ink, appearing to read "W. Michael McCabe", written over a horizontal line.

W. Michael McCabe  
Regional Administrator

Enclosure

cc: James M. Salvaggio, Director  
Bureau of Air Quality



## ENCLOSURE

This enclosure provides information regarding the status of Pennsylvania's submittals and EPA action. Where EPA, in a forthcoming rulemaking, makes a finding under section 179(a) for the failure of Pennsylvania to make a submittal, these findings trigger the 18-month clock for the mandatory imposition of sanctions under section 179(a). If EPA determines that Pennsylvania has made a complete submittal(s) within that 18-month period, the sanctions clock will be stopped. Please be advised that the effective date of EPA's rulemaking that makes the finding discussed herein is anticipated to be May 7, 1997.

## ENFORCEABLE COMMITMENTS

**Where required in the Commonwealth of Pennsylvania:** Philadelphia ozone nonattainment area.

**Status of required submittal:** Phase I of the approach outlined in the March 2, 1995 Memorandum requires a commitment to adopt additional measures needed for attainment for the Philadelphia ozone nonattainment area. In addition, Phase I requires a commitment to adopt the remainder of the rules needed to meet the Post-1999 rate-of-progress requirements, pending the results of OTAG, for the Philadelphia ozone nonattainment area. According to the March 2, 1995 Memorandum, these enforceable commitments should have been adopted by the end of 1995, unless administrative or legislative scheduling considerations required an extension into 1996.





# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

I emphasize that the findings made imply no judgment as to State intent; they are merely statements of fact that EPA is required to make under the CAA. EPA takes very seriously its responsibility to administer the CAA in a fair and just manner, and these findings are exercises of that responsibility.

I look forward to working closely with you and your staff to ensure that the CAA's requirements are met in a timely and effective manner without adverse consequences.

Sincerely yours,

W. Michael McCabe  
Regional Administrator

Enclosure

cc: James M. Salvaggio, Director  
Bureau of Air Quality

H:/Group/3AT21/PAHASE1.LTR Stahl 4/29/97							CONCURRENCES	
SYMBOL	Stahl	Arnold	Spink	Smolski	Maslany	McCabe		
SURNAME	3AT21	3AT21	3AT00	3RC00	3AT00	3RA00		
DATE	4/29/97	4/29/97	5/8/97	RTS 5/1/97				

EPA Form 1320-1 (12-70)

5/5/97

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107-4431

April 16, 1997


Honorable James M. Seif, Secretary  
Pennsylvania Department of Environmental Protection  
P.O. Box 2063  
Harrisburg, PA 17105-2063

Dear Mr. Seif:

I am providing this letter acknowledging receipt of your April 10, 1997 letter to me, in which you commit to address and correct all deficiencies associated with EPA's notice of proposed conditional interim approval of Philadelphia's 15% rate of progress plan and 1990 VOC emission inventory. This letter satisfies the requirement of our proposed conditional rulemaking that Pennsylvania make such a commitment, in writing, to EPA by April 10, 1997.

Thank you for your timely response. If you or Jim Salvaggio have any questions as EPA proceeds through the rulemaking process on your 15% plan or 1990 VOC emission inventory, please do not hesitate to call me at (215) 566-2050. Questions may also be directed to Marcia Spink at (215) 566-2104, David Arnold at 566-2172 or Cynthia H. Stahl at (215) 566-2180.

Sincerely,

  
Thomas J. Maslany, Director  
Air, Radiation and Toxics Division

cc: James M. Salvaggio, PADEP  
Howard Fox, Sierra Club Legal Defense Fund







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107-4431

April 14, 1997

Mr. James M. Seif, Secretary  
Pennsylvania Department of Environmental Protection  
P.O. Box 2063  
Harrisburg, PA 17105-2063

Dear Mr. Seif:

I am providing this letter acknowledging receipt of your April 10, 1997 letter to Thomas J. Maslany, Director, Air, Radiation & Toxics Division in which you commit to address and correct all deficiencies associated with EPA's notice of proposed conditional interim approval of Philadelphia's 15% rate of progress plan and 1990 VOC emission inventory. This letter satisfies the requirement of our proposed conditional rulemaking that Pennsylvania make such a commitment, in writing, to EPA by April 10, 1997.

Thank you for your timely response. If you or Jim have any questions as EPA proceeds thorough the rulemaking process on your 15% plan or 1990 VOC emission inventory, please do not hesitate to call me at (215) 566-2050. Questions may also be directed to Marcia Spink at (215) 566-2104, David Arnold at 566-2172 or Cynthia H. Stahl at (215) 566-2180.

Sincerely,

Thomas J. Maslany, Director  
Air, Radiation and Toxics Division

cc: James M. Salvaggio, PADEP  
Howard Fox, Sierra Club Legal Defense Fund

H:/Group/3AT21/15%plan/phl15lit.1tr Stahl CONCURRENCES 4/14/97

SYMBOL	Stahl	Arnold	Spink	Rodriguez	Maslany		
SURNAME	3AT21	3AT21	3AT00	3RC11	3AT00		
DATE	4/14/97	4/16/97	4/16/97	4/16/97			

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## Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building  
P.O. Box 2063  
Harrisburg, PA 17105-2063

March 31, 1997

### The Secretary

W. Michael McCabe, Administrator (3RA00)  
U.S. Environmental Protection Agency  
Region III  
841 Chestnut Building  
Philadelphia, PA 19107

Dear Mike:

On January 28, 1997, the United States Environmental Protection Agency (EPA) granted interim conditional approval of a State Implementation Plan (SIP) revision for an enhanced inspection and maintenance (I/M) program in twenty-five Pennsylvania counties. EPA based its approval on the Commonwealth's commitment to satisfy certain conditions cited in EPA's Notice of Proposed Rulemaking for the SIP revision. The Commonwealth's commitments are contained in my November 1, 1996, letter to EPA. A copy of this letter is attached.

On March 31, 1997, the Commonwealth of Pennsylvania, Department of Transportation filed a Petition for Review with the Court of Appeals for the Third Circuit challenging this interim conditional approval. To eliminate any uncertainty about the status of the Commonwealth's November 1, 1996 commitments, I am submitting this letter to provide assurance to EPA that the Commonwealth will honor its commitments set forth in my November 1, 1996 letter unless the Court of Appeals provides timely judicial relief.

Although the Commonwealth of Pennsylvania is generally satisfied with EPA's conditional interim approval of the Commonwealth's I/M Program, there are a few items in the approval where the Commonwealth believes that EPA has exceeded its legal authority. The Commonwealth has had ongoing discussions with EPA over these items. The Commonwealth's commitments do not preclude a challenge to these items because the commitments remain in



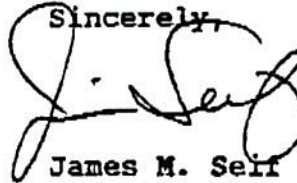


W. Michael McCabe

2

effect during the challenge. The Commonwealth intends to seek expedited review of its Petition for Review by the Court of Appeals.

Sincerely,



James M. Seif  
Secretary

Attachment

cc: Thomas J. Maslany







## Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building

P.O. Box 2063

Harrisburg, PA 17105-2063

November 1, 1996

## The Secretary

Thomas J. Maslany, Director (3AT00)  
Air, Toxics and Radiation Division  
U.S. Environmental Protection Agency  
841 Chestnut Building  
Philadelphia, PA 19107

Dear Tom:

This letter sets forth those actions that the Commonwealth has agreed to complete in order to obtain EPA's final conditional interim approval of a State Implementation Plan (SIP) revision concerning the enhanced vehicle emission inspection and maintenance (I/M) program in the 25 counties of the Commonwealth subject to the I/M program. This letter responds to the proposed Approval and Promulgation of the Commonwealth of Pennsylvania's Enhanced Motor Vehicle Inspection and Maintenance Program as published in the October 3, 1996, *Federal Register* (61 Fed. Reg. 51638 et seq.). (Enclosed is a separate letter submitting exhaust procedures, specifications and standards and a new modeling demonstration.)

The actions set forth below shall apply to all subject vehicles registered in Allegheny, Beaver, Berks, Blair, Bucks, Cambria, Centre, Chester, Cumberland, Dauphin, Delaware, Erie, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mercer, Montgomery, Northampton, Philadelphia, Washington, Westmoreland and York Counties.

The Commonwealth, through the Pennsylvania Department of Transportation (PennDOT), affirms that it will complete, or that it has already completed, the following actions within the time period specified after the *Federal Register* Notice of Conditional Interim Approval of the SIP revision concerning the enhanced I/M program.

1. The Commonwealth will publish, no later than September 15, 1997, a notice in the *Pennsylvania Bulletin*, signed by the Secretary of PennDOT, which certifies that the enhanced I/M program is required in order to comply with federal law, certifies the geographic areas which are subject to the enhanced I/M program, and certifies the commencement date of the enhanced I/M program. The geographic coverage will be identical to that listed in Appendix A-1 of the March 22, 1996, SIP submittal and is identical to the counties listed above. The Commonwealth will ensure that its final enhanced I/M regulation specifies that the commencement date for the five-county Philadelphia and four-county Pittsburgh areas will be no later than November 15, 1997 with the commencement date for the remaining counties no later than November 15, 1999.





Thomas J. Maslany, Director

- 2 -

November 1, 1996

2. The Commonwealth will perform an evaluation that comport with 40 CFR § 51.353(1) except for that part of paragraph (b)(1) which describes the credit assumptions which apply to a test-and-repair network. The Commonwealth will use the program evaluation protocol described in 40 CFR § 51.353(c). Subject to EPA's response to the Commonwealth's comments related to mass emission transient testing (METT) or any modification of the METT testing requirement, the Commonwealth will submit to EPA, as a SIP amendment, within 12 months of the date of publication in the *Federal Register* of the Final Interim Conditional Approval, the final I/M regulation which requires METT or any other approved test procedure where required.

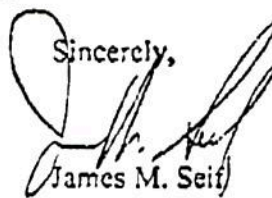
3. As noted in the comments, the Commonwealth submitted a documentation in the June 27, 1996, supplement to the enhanced I/M SIP that demonstrates that sticker enforcement is more effective than registration denial. To the extent additional information is necessary, the Commonwealth will supplement the demonstration on or before November 15, 1997.

4. The Commonwealth is submitting at the time with a separate letter the test procedures, specifications and standards for one-mode ASM (ASM5015) and two-speed idle testing. The Commonwealth has been working with James H. Lindner, Ph. D., Chemical Engineer, RSPD, EPA, Motor Vehicles Emissions Laboratory, so that the Commonwealth's ASM test procedures, specifications and standards are acceptable to EPA. As more fully described in the comments, the Commonwealth will adopt and submit to EPA, as a SIP amendment, within twelve (12) months of publication in the *Federal Register* of the Final Conditional Interim Approval, the final Pennsylvania I/M regulations which incorporate the test procedures, specifications and standards submitted with this letter.

5. The Commonwealth is submitting a new modeling demonstration showing that its proposed enhanced I/M program will meet the performance standard. The modeling was performed with one-mode ASM (5015) for appropriate vehicles in the Philadelphia area. This submission meets the requirements of EPA's proposed rule.

Please contact Audrey Miner, PennDOT at 717-787-5299 if you have any questions concerning Pennsylvania's implementation of the enhanced I/M program as required by the Clean Air Act and modified by the National Highway System Designation Act.

Sincerely,



James M. Seif  
Secretary

cc: Bradley L. Mallery, Secretary  
Department of Transportation







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107-4431

Ms. Betty L. Serian  
Deputy Secretary, Safety Administration  
Department of Transportation  
Commonwealth of Pennsylvania  
Harrisburg, PA 17120

JAN 28 1997

Dear Ms. Serian:

As always, EPA Region III remains committed to working together with the Commonwealth of Pennsylvania on the development of an approvable enhanced inspection & maintenance program. I was pleased to learn that you will be meeting with my staff, as well as staff from our Office of Mobile Sources (OMS) on February 21, 1997 in order to address many of the issues raised in your January 10, 1997 letter to Margo Oge, the Director of OMS. In preparation for that meeting, and in response to your letter and to further questions raised during a conference call between EPA and your office on Friday, January 17, 1997, we are providing you with two enclosures which discuss EPA's rationale for our policy covering program evaluation methods and waiver issuance in enhanced I/M programs.

As discussed on the January 17th call, we understand that the Commonwealth is dedicated to implementing an effective and flexible enhanced I/M program. EPA is also dedicated to that goal, and I hope we can reach a mutually acceptable agreement on the design of all program aspects, including those raised in your letter. We are most anxious to sit down with you and discuss more practical methods for implementation of the I/M requirements, and hopefully our technical staff can offer some innovative solutions to your problems. EPA staff will also follow-up on the technical rationale provided in the above-mentioned enclosures, and answer any further questions you or your technical staff may have with regard to program evaluations and/or waiver issuance.

Please feel free to contact Marcia Spink at (215)-566-2104 if you have any other questions regarding the meeting. Thank you for raising these issues to our attention, and thank you in advance for your cooperation in crafting workable solutions to these concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike McCabe", written over the typed name.

W. Michael McCabe  
Regional Administrator

Enclosures





## Enclosure

### EPA's Basis for the Requirement of Mass Emission Transient Testing under 40 CFR 51.353(c)

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#### **Interpretation of the National Highway Systems Designation Act and the Clean Air Act**

EPA believes Congress required an ongoing I/M program evaluation in the Clean Air Act (CAA) in order to measure, for the first time, the actual effectiveness of states' programs in achieving air pollution reductions. Mass Emission Transient Testing (METT) provides mass-based fleet-wide emission factors that are more reliable, repeatable, and objective than any broad, concentration-based result that any non-METT test (e.g. idle or ASM testing) can provide. Section 182(c)(3)(C) of the CAA specifically authorizes EPA to establish the methods for evaluating I/M programs. EPA believes that nothing in the National Highway Systems Designation Act (NHSDA) prohibits EPA from continuing to require METT as the appropriate evaluation method.

While the NHSDA does prohibit EPA from requiring centralized, IM240 testing as the inspection method used for passing and failing vehicles in I/M programs, it is silent on the issue of program evaluation testing and EPA believes that it clearly does not prohibit the Agency from requiring METT sampling on small, random subsets of vehicles in order to confirm the level of effectiveness of the program as authorized under section 182(c)(3)(C) of the CAA. EPA does not agree that a test which is adequate for routine inspections should be good enough for the purpose of the program evaluation. The reason is that the routine test and the program evaluation test are intended to accomplish two wholly different goals, and therefore have completely independent criteria for acceptability. These criteria for acceptability are outlined in the following sections.

#### **The Importance of Correlation to the Federal Testing Procedure**

Both the CAA and NHSDA require that program effectiveness be established based upon the analysis of objective, real world data. In the area of vehicle emission testing, the most objective standard for comparison is a mass emission transient test known as the Federal Test Procedure (FTP) -- the test EPA and vehicle manufacturers have used for the last several decades to certify that new vehicles meet their emission standards. The IM240 was designed as a shorter and cheaper version of the FTP, with which it correlates to a very high degree. Both the FTP and IM240 were designed to measure emissions over a wide range of operating modes and speeds, which is especially important for vehicles built after 1981, since such vehicles are designed to constantly adjust the air-fuel mix for optimized performance over each of these modes and speeds. While tests that do not look at all these modes can still make broad, pass-fail decisions concerning a vehicle's relative cleanliness, they cannot be used to make the precise measurements needed for program evaluation. This is why EPA believes it continues to make sound scientific sense to evaluate the performance of an I/M program with the latest scientifically sound method and one that most closely represents the methodology used to evaluate the automakers. Any other method used to evaluate a state's I/M program that has not been shown to correlate to the Federal Testing Procedures, will risk compromising the intent of the I/M program as required in





the Clean Air Act by providing questionable analytical data. EPA believes that it was not the intent of NHSDA to address issues of evaluating I/M programs but to strictly focus on their design.

It is important to distinguish that the routine, non-METT I/M inspection used to pass and fail vehicles does not need to correlate very closely to the FTP; it need only be precise enough to make broad pass/fail decisions for the purpose of identifying grossly polluting vehicles. The program evaluation test however, is not used to make pass/fail decisions. Instead, the program evaluation test is used to measure actual total mass of emissions (i.e., in tons), which requires a more precise measurement tool. Since the purpose of the program evaluation is to determine specifically the mass quantity of vehicle-related pollutants that are produced as a result of implementation of the I/M program, the broad pass/fail estimates provided by non-METT equipment are inadequate tools to use in evaluation settings. The relationship between the two types of testing is similar to the day-to-day testing that goes on in the nation's individual high schools (which provides a relative sense of student-to-student effectiveness), versus standardized testing such as the SAT which allows for the additional determination of school-to-school effectiveness.

For vehicle testing in I/M programs, precision is a function of how closely the test correlates to the FTP -- the best test method currently available. Since the FTP itself is a mass-emission based transient test, other METT's (of which there are several available in addition to the IM240) tend to correlate well with the FTP, with some correlating better than others. Non-METT tests, such as idle or ASM tests, tend to have very low correlations to the FTP. Actual correlation data for IM240, and ASM tests are presented in the next section.

Correlation to the FTP is EPA's primary concern when it comes to judging the validity of a potential program evaluation test. EPA favors the IM240 because the Agency has an overwhelming preponderance of data indicating a high correlation between the IM240 and FTP. It is this correlation which is relevant. Alternative mass emission transient tests using different equipment specifications or different driving cycles are acceptable -- provided they can be shown to correlate at least as well to the FTP as the IM240. Such demonstrations have yet to be made, but EPA remains open to looking at any state's data and/or claims.

### **ASM vs. IM240 as the Evaluation Tool of Choice**

Contrary to the assertions of several states that have chosen to operate decentralized, ASM testing networks, granting comparable credit for ASM testing under the performance standard modeling requirement is not the same thing as saying the ASM is as good as IM240 for program evaluation. Again, it is important to note that the criteria for approving test methods in routine testing differs substantially from the criteria we use to judge effectiveness in performance evaluation settings. In particular:

For routine testing, excess emission identification rates (IDR) matter; IDRs for almost any test can be made comparable to the IM240 by tightening cutpoints,



though this also increases false failure rates. This is why comparable credit can be granted to decentralized programs that implement ASM or other test-types. The trade-off in allowing less precise test methods to be used for routine testing, is the potential for more false failures in the inspection program.

For program evaluation testing, correlation to the FTP is our primary consideration. Such correlation cannot be increased by cutpoint manipulation, and all attempts to correlate non-METT tests to the FTP have fallen well below the values found for the IM240.

Based upon the pilot study done in El Monte, the lab correlation values for HC, CO and NO<sub>x</sub> respectively are as follows: For IM240: 0.89, 0.92, and 0.97; for ASM50/15: 0.49, 0.52, and 0.65; for ASM25/25: 0.64, 0.22, and 0.58. These numbers reflect direct correlation values between IM240 and FTP scores, whereas the ASM numbers must first be converted from concentration values into grams-per-mile values using a highly dubious conversion factor that "fills in" missing/unknown variables such as exhaust volume. Any time one uses a non-METT test such as ASM, and attempts to mathematically manipulate the results to produce a comparable grams-per-mile result, the data will inherently be extremely questionable. Unlike the IM240 and other METTs, no steady-state test (including the ASM) yields direct emission rates in the same units as the FTP (i.e., grams-per-mile).

The purpose of the 0.1% METT is not to segregate the effectiveness of any individual program element, such as test type. Specifically, it is not EPA's intention to use the results of the 0.1% METT requirement to force states to switch to IM240 testing for their routine inspection process. But rather, the use of METT evaluation on a 0.1% random sample will provide states and EPA with quantitative assessments of how well I/M programs are actually performing, with respect to overall emission reduction benefits that result from all program elements (i.e., test type, network design, enforcement mechanism, etc.) working together.

EPA understands that it is barred from mandating IM240 for the purpose of routine, day-to-day I/M testing since such a requirement would equal a mandate for centralized testing. The Agency has therefore taken steps toward estimating the credit potential of a wide range of alternative I/M tests, including the ASM tests. Different levels of precision are needed for the day-to-day I/M test versus the program evaluation test. The routine, day-to-day I/M test needs to be just good enough to accurately separate vehicles on a pass/fail basis. The relative effectiveness of a day-to-day I/M test depends upon what sorts of vehicles are identified as failures. If the "failed" category is filled with the dirtiest vehicles, then the test is good; if the "failed" bin is filled with either vehicles that should have passed, or with borderline cases that are costly to fix while yielding only meager emission reductions, then the test is weak.





## **Financial Constraints/Centralized Testing**

Requiring a METT for program evaluation does not in any way prevent states from adopting decentralized, non-IM240 networks for their day-to-day testing. Furthermore, local garages will not lose business because of the oversight testing requirement; the 0.1% sample does not replace the routine I/M test for those vehicles selected, but rather is performed in addition to the regularly scheduled test. Local garages will not bear any additional financial burden because such oversight testing is being performed by the state.

The purchase or leasing of METT equipment should not present an onerous burden on states, as the cost of such equipment should be factored into the oversight costs of the I/M program. EPA does not necessarily expect that METT testing will be performed on a centralized basis. The I/M rule required such testing in all programs, whether centralized or decentralized, prior to passage of the NHSDA. Since evaluation testing need only be performed on a minute fraction of the vehicle population (i.e. 0.1% of all subject vehicles), few actual analyzers are needed to perform the evaluation, and thus the purchase or leasing of METT equipment should not present a significant financial burden on states. The possible availability of transportable METT equipment provides states with a range of non-centralized options for undertaking evaluation testing, so a state can provide a consumer-friendly evaluation process. This transportable equipment may also serve to address sampling bias as well, since this type of equipment could be used on-site at decentralized stations thus removing the hurdle of asking a motorist to volunteer for evaluation testing at a centralized referee station.

## **State Input Under the ECOS Process**

Finally, in determining what sort of test would fully and fairly meet the need for program evaluation, EPA met with representatives from numerous NHSDA and non-NHSDA I/M states (including Pennsylvania and Virginia) and the consensus was that for the on-going evaluation a sample of 0.1% using some form of METT was not only fair and equitable, but also was a regulatory requirement under the I/M rule that remained unchanged, post-NHSDA.



## Enclosure

### EPA's Basis for the Requirement of Waiver Issuance under 40 CFR 51.360(c)(1)

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#### **Interpretation of the National Highway Systems Designation Act and the Clean Air Act**

EPA believes this requirement was not altered by the NHSDA. While the NHSDA does allow for states to implement decentralized test networks, anticipated changes by Congress to this section of the I/M rule are not apparent from the language of the NHSDA. Further, EPA believes that centralized waiver issuance will remain an effective deterrent against fraud in decentralized or centralized testing networks. EPA believes it is important for quality assurance purposes that waiver control remains in the hands of one entity. Although the NHSDA increases flexibility to use decentralized programs, it in no way indicates that requirements applicable to all programs, such as waiver issuance, should be altered.

#### **Impact on Professionalism of the Repair Industry**

Issuing waivers is an administrative exercise, and doesn't reflect one way or another on the professionalism of the repair industry. Third-party verification of waiver eligibility serves to reinforce both the inspection test results and the capabilities of repair technicians within the program through positive reinforcement of the professionalism of the repair industry and the emissions testing program. Moreover, maintaining one waiver issuance authority provides an extra incentive for the vehicle repair industry to maintain integrity, leading to increased repair revenues and air quality benefits from the I/M program itself. Additionally, since the centralized waiver system is not a new requirement, there is no reason to expect an increase in frustration and/or delays for the public.

#### **Tracking the Waiver Rate**

By decentralizing the waiver issuance process, there is no way to track the waiver rate except through the DMV (or equivalent entity), where vehicle registrations are processed. Since this is a centralized activity within the state, little additional work and/or resource expenditure is necessary. At best, costs would be modest, since states may be able to use existing program evaluation test sites and equipment for the referee sites. A decentralized system also has the disadvantage of allowing for a "lag time" between waiver issuance and registration -- the point at which waiver rate can be calculated. Thus, the modeled waiver rate may be exceeded before the state is even aware of it.







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107-4431

Ms. Betty L. Serian  
Deputy Secretary, Safety Administration  
Department of Transportation  
Commonwealth of Pennsylvania  
Harrisburg, PA 17120

JAN 23 1997

Dear Ms. Serian:

As always, EPA Region III remains committed to working together with the Commonwealth of Pennsylvania on the development of an approvable enhanced inspection & maintenance program. I was pleased to learn that you will be meeting with my staff, as well as staff from our Office of Mobile Sources (OMS) on February 21, 1997 in order to address many of the issues raised in your January 10, 1997 letter to Margo Oge, the Director of OMS. In preparation for that meeting, and in response to your letter and to further questions raised during a conference call between EPA and your office on Friday, January 17, 1997, we are providing you with two enclosures which discuss EPA's rationale for our policy covering program evaluation methods and waiver issuance in enhanced I/M programs.

As discussed on the January 17th call, we understand that the Commonwealth is dedicated to implementing an effective and flexible enhanced I/M program. EPA is also dedicated to that goal, and I hope we can reach a mutually acceptable agreement on the design of all program aspects, including those raised in your letter. We are most anxious to sit down with you and discuss more practical methods for implementation of the I/M requirements, and hopefully our technical staff can offer some innovative solutions to your problems. EPA staff will also follow-up on the technical rationale provided in the above-mentioned enclosures, and answer any further questions you or your technical staff may have with regard to program evaluations and/or waiver issuance.

Please feel free to contact Marcia Spink at (215)-566-2104 if you have any other questions regarding the meeting. Thank you for raising these issues to our attention, and thank you in advance for your cooperation in crafting workable solutions to these concerns.

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CONCURRENCES							
SYMBOL	3at21	3at21	3at00				
SURNAME	MAGLIOCCHETTI	ARNOLD	SPINK				
DATE	CUN 1/28/97	CUN 1/28/97	1/28/97				





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107-4431

Mr. Wick Havens, Chief  
Air Resources Management Division  
Pennsylvania Department of Environmental Protection  
P.O. Box 8468  
Harrisburg, Pennsylvania 17105-8468

January 17, 1997

Dear Wick,

The purpose of this letter is to document and follow-up on the discussions which took place at our meeting here in Philadelphia on January 7, 1997. Enclosed please find summarized notes of our discussions from that meeting. During our meeting, we agreed to meet more frequently during the coming year as so many important and time sensitive issues are before us. I have also asked the EPA staff here to document and distribute, in writing, their discussions with PA DEP staff so that the appropriate people at DEP and EPA are kept routinely informed.

As you know, the commitment letters on the proposed conditional approval of Pennsylvania's Pittsburgh and Philadelphia 15% plan SIPs must be signed by Secretary James Seif as he is the Pennsylvania official formally delegated the authority to submit state implementation plans (SIPs) on behalf of the Governor. As we predicted in our meeting, the Pittsburgh 15% plan notice was signed by the Regional Administrator on January 13, 1997 and we expect the Philadelphia 15% notice to be signed by February 28, 1997. EPA must receive Pennsylvania's commitment to fulfill the notices' conditions within 30 days of each of those notices' publication dates. I look forward to working closely together over the next several months to ensure that SIP approved programs for I/M and 15% plans are put in place in the Commonwealth of Pennsylvania as soon as possible. If you have any questions please do not hesitate to call me at (215) 566-2104 or Cynthia Stahl at (215) 566-2180.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marcia", is written over the typed name.

Marcia Spink, Associate Director  
Air Programs

cc: Jim Salvaggio  
Enclosure





## **SUMMARY OF MEETING BETWEEN THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND US EPA REGION III - JANUARY 7, 1997**

**Note:** That the issues/concerns raised by the PA DEP are presented in normal typeface with EPA's responses/concerns expressed at the meeting in boldface type. Where EPA has additional information to pass on to the PA DEP on an issue, that information is presented in italics.

### **OZONE RELATED ISSUES**

#### **FIP LAWSUIT ISSUES**

Pennsylvania is concerned about meeting condition (h)(i) on page 10 of the FIP settlement agreement pertaining to I/M credit. The condition appears to be open-ended since it uses the phrase "data to demonstrate the I/M credit."

**EPA agrees that we understand upfront what it will take to satisfy this condition and ensure PADEP is not surprised.**

**It was explained that the FIP settlement agreement requires EPA to confirm, within 30 days of the close of the comment periods for the 15% plan notices, that PA DEP has submitted a letter committing to fulfilling the conditions within the specified time frames.**

#### **15% PLAN RELATED ISSUES**

Pennsylvania needs adequate time to address the conditions in the 15% plans for Pittsburgh and Philadelphia.

**EPA provided DEP with a draft of the conditions from the Pittsburgh and Philadelphia 15% plans and discussed each of the conditions. All of the conditions have been discussed earlier with DEP and DEP understands specifically where the issues are. EPA will send DEP a copy of the signed notices.**

*The Pittsburgh 15% plan notice was signed on January 13, 1997 and was sent via express mail to DEP on January 14, 1997.*

Pennsylvania wanted to know what EPA's schedule is for the rulemaking actions on the Pittsburgh and Philadelphia 15% plans and when DEP is expected to do something.

**EPA intends to have the Pittsburgh proposed conditional approval notice signed by the Regional Administrator on Monday, January 13, 1997. The target signature date for the Philadelphia 15% plan is February 28, 1997. DEP must provide a commitment letter within 30 days of the publication of the proposed Pittsburgh 15% plan. The conditional approval would allow up to 12 months for DEP to fulfill the conditions. Brian and Arlene agreed to meet some time between January 13 and January 29, 1997 to discuss the I/M conditions specifically.**

Pennsylvania is concerned that METT testing is a very big issue for Pittsburgh.

**EPA recognizes that this is a big issue but does not understand exactly what the problems are with this testing for Pittsburgh.**



*A meeting is scheduled for January 17, 1997 between PennDOT Secretary and OMS Director to discuss the METT testing issue.*

*On January 14, 1997, via conference call, EPA briefed PennDOT and DEP on the specifics of the I/M conditions in the signed I/M rulemaking notice.*

## **POST'96 ROP ISSUES**

DEP is having trouble calculating the credits for this plan without much EPA guidance on this. DEP had a lot of specific questions about how emission projections are done for the post'96 plan, NOx substitution, whether or not updated emissions data can be used, etc.

**EPA agreed that there is not much guidance on post'96 plans and that it is unlikely that EPA headquarters will be able to focus their attention on these issues because of the resources involved with the proposed NAAQS. EPA suggested that DEP and its sister states meet to decide on their recommended approaches prior to meeting with EPA.**

**MARAMA would be a good forum through which to do this. Once the states have come to some consensus, EPA is willing to meet with them as a group or individually to discuss their recommended approaches. Currently, there is no settlement agreement that forces final action on the Philadelphia post'96 plan.**

## **PHASE I SIP CALL**

**EPA informed DEP of an imminent finding of failure to submit the two enforceable commitments required under the phased approach. The lawsuit on the phased approach was activated in July 1996. EPA will send Jim Salvaggio a letter this week letting him know of EPA's intention to issue this finding. This letter will include a discussion of the imminent SIP call for the OTC LEV SIP, which is also long overdue. A formal letter making the finding of failure to submit under the phased approach will be sent later this month to Secretary Seif.**

## **REDESIGNATIONS**

The Reading redesignation issues are currently being worked through, but DEP was concerned about whether Mobile 5 was used appropriately.

**EPA agrees that Mobile 5 is appropriately used in this area and agrees to accept the Mobile 5 results for the redesignation SIP.**

DEP states that the two missing RACT determinations will be submitted to EPA on or around January 17, 1997. The comment period for these two sources is open until January 16, 1997.

**EPA cannot finalize approval of the Reading redesignation without the submittal and EPA approval of all major source RACT determinations.**

DEP expressed concern about having EPA approve the redesignation requests prior to the promulgation of the new standard.

**EPA is working to approve all the redesignation requests as quickly as possible and prior to the promulgation of the new standard. However, Reading cannot be approved until the two RACTs are submitted by DEP.**

Pennsylvania was concerned about the level of documentation being required for the redesignation requests for 32 counties. DEP's understanding was that if the documentation was provided for Reading, there would not be any need to provide the same level of detail for the 32 counties. DEP states that the 1990 emission inventory submitted in 1992 is inaccurate and should not be used by EPA. The errors lie in the use of now outdated emission factors, etc. However, the methodology used in the 1992 submittal is the same as what DEP is using now. DEP stated that their contractor can provide a hard copy or disk copy (in readable format) of the 1990 emission inventory for these counties by January 28, 1997. DEP will provide additions to the record pertaining to rule effectiveness credits (contingency plan).

**EPA needs area source information and a listing of the point sources in the 1990 emission inventories for each of the 32 counties. The current submittal contains only summary tables, which are inadequate for approval. A hard copy or disk copy of the 1990 inventories (point and area, but not mobile) submitted by January 28, 1997 will be acceptable.**

**EPA will check Pennsylvania's maintenance plans for the 32 counties to verify that Pennsylvania has submitted RACT SIPs for all sources that Pennsylvania uses to show maintenance of the ozone standard in those counties.**

Pennsylvania asked whether its NSR rule would be approved prior to the redesignation requests. Pennsylvania is concerned that the Clean Air Council will sue EPA, if EPA approves the redesignation requests before EPA approves its NSR rule. (The Clean Air Council commented adversely on EPA's proposed approval of the Reading redesignation, because Pennsylvania's NSR rule, and other section 184 SIP requirements, have not been SIP approved.)

**EPA and DEP agreed to initiate a meeting with Joe Minott, Clean Air Council prior to the signature of the Reading notice (March 3, 1997). This involves Kathleen Henry's staff since they are responsible for the NSR rulemaking.**

## **PENNSYLVANIA GENERIC RACT RULE**

**EPA updated DEP on the status of this rulemaking. There is no additional material required from Pennsylvania. EPA expects to have a proposed rulemaking ready for signature in early March.**

## **PITTSBURGH SIP MILESTONES**

Pennsylvania updated EPA on their regulatory activities pertaining to Pittsburgh. DEP has prepared three regulations: Stage I, low RVP/RFG, and Stage II, that will be the subject of a February public hearing. DEP expects to be able to meet the April 1, 1997 settlement deadline.



Since the new Stage II regulations conflicts with the current Pennsylvania Air Pollution Control Act, the APCA will need to be changed. DEP provided drafts of the regulatory package to EPA. **EPA will review the material and let DEP know if it satisfies the milestone requirements.**

## **SIP PRIORITY RANKING**

**EPA stated that it is willing to consider DEP's priorities in processing SIPs. However, while DEP has stated that ERC SIPs are high priority, it has also stated that its redesignation requests must be approved quickly as well. EPA would like DEP to look at all their SIP revisions holistically and determine their priorities based on criteria that also include settlement agreement deadlines, etc. This has been discussed with DEP before but, so far, DEP has been unwilling to determine its SIP priorities overall.**

DEP agreed that this is a problem and would communicate this to their management.

**EPA informed DEP that the Penn Power - New Castle NOx RACT package appears to have some major flaws. This RACT was a direct final approval until adverse comments were received. Information from CEM records, acid rain permits, etc. indicate that the Company can meet much more stringent emission requirements. EPA shared this information with DEP but hoped that this would not result in an airing of the issue in a public forum.**

DEP stated that it has recently asked PPNC whether it would be willing to withdraw the submittal and the Company stated that they would not. DEP assured EPA that it is making every effort to address the RACT issues so that they do not become public issues.

## **PERMITTING PROGRAMS**

### **TITLE V - INSIGNIFICANT ACTIVITIES**

PADEP indicated that it has developed a list of activities which it considers as "insignificant" for purposes of Title V permitting. The insignificant activities (IA) list is a clarification to PADEP's Regional Office staff on which activities they must be concerned with when drafting Title V permits. **EPA stated that it has generally withheld full approval of Title V programs submitted by other States which included deficient or unapprovable IA lists. EPA stated that it is necessary to approve any revision to Pennsylvania's Title V program. Part 70 allows EPA to accomplish "unsubstantial" program revisions, such as the addition of an IA list to an approved State program, through "letter rulemaking." EPA, after having evaluated the State's proposed program revision, could approve the IA list as a revision to Pennsylvania's Title V program simply by sending a letter to the Governor or his designee granting such approval, pursuant to 40 CFR § 70.4(I)(2).**

PADEP indicated that it would need to add activities to the approved IA list as new determinations of "insignificant activities" are made by PADEP. **EPA indicated that such additions/changes to the list could be approved as part of the State's Title V program on an ongoing basis provided the State submits the proposed changes to EPA, and EPA reviews**



and approves them by forwarding a letter of rulemaking to the Governor or his designee pursuant to 40 CFR § 70.4(I)(2).

PADEP expressed a concern that EPA may take too long to review and approve revisions to its IA list using the "letter rulemaking" process. EPA pointed out that PADEP was still free to issue Title V permits containing activities deemed insignificant by PADEP but not yet approved by EPA. EPA added, however, that in such a situation PADEP would be risking potential veto of the permit by EPA if EPA subsequently determined that the activities deemed insignificant by PADEP did not actually qualify as such.

PADEP requested, and EPA agreed, to put the IA list revision process in writing by amending the State's Title V implementation agreement with EPA. EPA stated that it was trying to approve the State's proposed IA list using the least administratively burdensome approach.

In order to make Pennsylvania's proposed IA list part of its approved Title V permit program, EPA recommended revising the Title V implementation agreement to describe the process by which the State will submit, and EPA will review and approve, an initial IA list and future revisions to such a list. EPA committed to sharing draft implementation agreement language with PADEP by January 24, 1997.

#### **NEW SOURCE REVIEW - STATUS OF PROPOSAL**

EPA indicated that it will move forward with the proposed rulemaking for Pennsylvania's NSR rule now that EPA's proposed NSR reform rule, published in the Federal Register on July 23, 1996, proposes to resolve the shutdown prohibition issue. EPA further indicated that considerable work has already been done in reviewing Pennsylvania's submittal and drafting the proposed rulemaking. EPA committed to a March 30, 1997 deadline for signature of the proposed rulemaking package by the Regional Administrator. EPA added that this represents the latest date by which this rulemaking would be signed, and that it may very well be signed before this date.

#### **DELEGATION OF SECTION 112 MACT STANDARDS**

EPA asked about PADEP's intention to accept delegation of Section 112 MACT [Maximum Achievable Control Technology] standards for Part 70 sources as outlined in Pennsylvania's approved Title V program and in the Title V implementation agreement. PADEP indicated that Section 4006.6(a) of its statute incorporates Section 112 emissions and performance standards by reference and thereby allows for the automatic adoption of MACT standards. PADEP provided EPA with a copy of the relevant portion of its statute and stated that the only real issue concerning MACT delegation concerns non-Title V sources. This automatic incorporation by reference of Part 63 toxics requirements is similar to Pennsylvania's existing automatic adoption of Part 61 NESHAP requirements. PADEP stated that it will not adopt implementing regulations for MACT standards due to the automatic adoption authority provided by its statute. Therefore, the Commonwealth has statutory authority to implement Section 112

MACT standards, and need not accept any delegation of individual MACT standards. *After reviewing Section 4006.6 of Pennsylvania's statute, EPA remains concerned with respect to Pennsylvania's statutory authority to fully implement and enforce MACT standards as promulgated by EPA in Title V operating permits for Part 70 sources. Although the statute appears to provide for automatic adoption of performance or emission standards promulgated under Section 112, it makes no provision for adopting the monitoring, recordkeeping and reporting requirements associated with each MACT standard. EPA believes that further discussion with Pennsylvania is necessary to clarify the extent of their legal authority under the State's statute to implement and enforce all aspects of its Section 112 program, including those requirements which appear in the "General Provisions" section of 40 CFR Part 63.*

## **STACK HEIGHT/SO<sub>2</sub> SIPS/MODELING ISSUES**

### **Armstrong County SO<sub>2</sub> SIP**

EPA and DEP agree that the Armstrong County SO<sub>2</sub> nonattainment area is not a hot issue at this time but that there will be potential problems for both DEP and EPA if the issue continues to be unaddressed. The facts are:

- The area is not violating the NAAQS.
- The Armstrong power plant is emitting at a rate well below the SIP allowable and may reduce emissions even further to meet acid rain requirements in 2000.
- The only substantive issue is the creditable stack height for Armstrong.

**EPA proposed a cooperative study on a relaxed schedule to evaluate Armstrong at a GEP formula stack height and emission limit(s) consistent with West Penn Power's plans.**

Pennsylvania stated, unofficially, that a schedule for addressing the issue should be established before a Title V permit is issued to Armstrong.

### **Warren County SO<sub>2</sub> Nonattainment Area SIP**

PADEP is awaiting the development of the operating permit for Penelec's Warren Generating Station by the regional office. Once the permit is completed, PADEP will hold a public hearing on the SIP revision. PADEP has been focusing on other issues recently.

**EPA is concerned with the lack of progress on both of these SO<sub>2</sub> SIP revisions because as the other SO<sub>2</sub> areas in the Region are resolved, the few remaining in Pennsylvania begin to stand out. The Warren SO<sub>2</sub> SIP revision has been in development for 15-20 years.**





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107-4431

January 10, 1997

Mr. James M. Salvaggio, Director  
Bureau of Air Quality  
Pennsylvania Department of Environmental Protection  
P.O. Box 8468  
Harrisburg, Pennsylvania 17105-8468

Dear Mr. Salvaggio:

The 1990 Clean Air Act Amendments (CAAA) established a number of new requirements intended to address widespread nonattainment of the national ambient air quality standard for ozone. The CAAA also established deadlines for States to submit State Implementation Plan (SIP) revisions in accordance with these requirements. Because several States experienced significant difficulties in meeting certain of these requirements for the serious nonattainment areas, EPA extended the deadlines for the SIP submittals. Specifically, EPA extended the deadline for submitting attainment demonstrations and for control measures providing for progress in reductions in ozone precursors. The time extensions were established in a Memorandum entitled "Ozone Attainment Demonstrations" from EPA Assistant Administrator Mary D. Nichols to the Regional Administrators, March 2, 1995 (March 2, 1995 memorandum).

We commend the Department of Environmental Protection Bureau of Air Quality for the SIP elements that have been adopted and submitted to EPA to date. We consider these SIP submittals to be a high priority and will process them as quickly as possible.

However, while we recognize that Pennsylvania has made substantial progress in meeting its obligations under the CAAA, not all of the required SIP elements have been submitted. This office intends to continue to work closely with the Department of Environmental Protection to undertake all necessary efforts to ensure that the remaining submittals are made as soon as possible in order to avoid the implementation of sanctions and the need to promulgate a Federal Implementation Plan (FIP).

My letter is to provide you some advance notice that EPA will shortly issue a letter to Secretary Seif making a finding of Pennsylvania's failure to submit for the Philadelphia severe ozone nonattainment area an enforceable commitment to adopt additional measures needed for attainment and an enforceable commitment to adopt the remainder of the rules to meet the rate-of-progress requirements pending the modeling results of the Ozone Transport Assessment Group (OTAG). These enforceable commitments were required for Phase I of the two-phased flexible approach outlined in the March 2, 1995 Memorandum. An enforceable commitment is one which has gone through the State's rulemaking process. In general, a finding is made when the State fails to make any submittal or the State fails to adopt and/or subject the required rules to public hearing as required under CAA section 110(1).

The March 2, 1995 memorandum also required, as part of Phase I (of the attainment demonstration), a commitment to eliminate the area's contribution to downwind problems, and, for areas in the Ozone Transport Region, a commitment to adopt Phase II<sup>1</sup> of the NOx Memorandum of Understanding (MOU). As you know, the Ozone Transport Assessment Group (OTAG) is nearing completion of its recommendations for addressing issues pertaining to downwind impacts and NOx emission reductions. EPA expects that the proposed SIP call for requiring NOx emission reductions will occur in March 1997 with a final SIP call in the June/July 1997 time frame. EPA believes that Pennsylvania's satisfactory response to this SIP call will meet the Phase I commitments to address downwind air quality impacts. Given the extended rulemaking process in Pennsylvania, EPA encourages Pennsylvania to begin its work to adopt the necessary rules to adopt the NOx MOU requirements so that attainment of the ozone standard can be achieved by the required statutory attainment date.

Shortly, EPA also expects to issue a finding for Pennsylvania's failure to submit a Ozone Transport Commission Low Emission Vehicle (OTC LEV) SIP that was due in February 15, 1996. Since EPA allowed the substitution of OTC LEV for the Clean Fuel Fleet SIP that was due May 15, 1994, Pennsylvania's failure to submit the OTC LEV SIP is of particular concern to EPA.

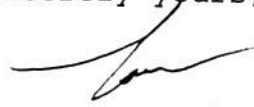
I emphasize that the findings that will be made imply no judgment as to State intent; they are merely statements of fact that EPA is required to make under the CAA. EPA takes very seriously its responsibility to administer the CAA in a fair and just manner, and these findings are exercises of that responsibility.

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<sup>1</sup>Under the MOU, the Phase II controls are those to be implemented by May 1999.

I look forward to working closely with you and your staff to ensure that the CAA's requirements are met in a timely and effective manner without adverse consequences. Please feel free to call me at (215) 566-2050 if you would like to discuss this further.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Tom', with a long horizontal flourish extending to the right.

Thomas J. Maslany, Director  
Air, Radiation and Toxics Division







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107-4431

DEC 4 1997

Mr. J. Wick Havens, Chief  
Air Resources Management Division  
Pennsylvania Department of Environmental Protection  
Rachel Carson State Office Building  
P.O. Box 8468  
Harrisburg, Pennsylvania 17105-8468

Dear Mr. Havens:

Thank you for giving EPA the opportunity to comment on Pennsylvania's proposed attainment plan for the Pittsburgh-Beaver Valley ozone nonattainment area. EPA commends Pennsylvania for its efforts in completing this undertaking. However, EPA has several comments and concerns regarding the proposed attainment plan. EPA's comments are enclosed. Please enter these comments into the official public record for the public hearing being held on December 2, 1997.

EPA looks forward to receiving the complete attainment demonstration for the Pittsburgh area by December 31, 1997, in accordance with our May 21, 1996 agreement (61 FR 28061). Feel free to contact me, at (215) 566-2104, with regard to this or any other issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marcia L. Spink".

for Marcia L. Spink, Associate Director  
Air Programs

Enclosure





## ENCLOSURE

### **EPA's Comments on the Pennsylvania Department of Environmental Protection's Proposed Attainment Plan for the Pittsburgh-Beaver Valley Ozone Nonattainment Area October 31, 1997**

#### Modeling

1. EPA modeling guidance requires that an attainment demonstration include the evaluation of the proposed control strategy with a minimum of three ozone episodes. Only two episodes were used to evaluate the proposed control strategy in this proposal. Three episodes were initially prepared for evaluation, however the 17-19 June 1995 episode was subsequently dropped due to poor model performance. In order to justify the use of only two episodes, the plan should include some compelling arguments as to why two episodes were sufficient in this case. An obvious argument could be made that due to the extreme severity of the two episodes evaluated in the plan, it is very unlikely that the proposed emission controls would be deemed insufficient for attainment even if a third episode were evaluated.
2. The proposed ozone attainment plan states on pages 4-2 and 6-2 of appendix 5 that on two days in episode one (30 July-2 August 1995) modeled exceedances occur in two cells immediately downwind of NO<sub>x</sub> point sources along the Ohio river in eastern Ohio. In order to bolster the arguments made that these exceedances should not be considered in the attainment demonstration, wind vector plots should be presented that indicate that these cells are clearly upwind cells and that the modeled exceedances are not related to or affected by emissions and emission controls in the seven-county Pittsburgh-Beaver Valley nonattainment area.
3. On pages 5-1 and 7-1 of the proposed plan, it is stated that if the Cox-Chu R-squared value for the regression equation used to predict peak ozone concentrations for the nonattainment area is  $\geq 0.65$ , the Statistical Approach is required to demonstrate attainment. This statement is incorrect and should read that if the R-squared value is  $\geq 0.65$  the Statistical Approach may be used to demonstrate attainment.

#### NO<sub>x</sub> MOU

It is unclear whether or not the proposed plan takes credit for emission reductions anticipated from Allegheny County's NO<sub>x</sub> MOU rule. If it does, then Pennsylvania must submit both Allegheny County's rule and the Commonwealth's rule at the same time, or before, Pennsylvania submits the attainment plan to EPA as a state implementation plan (SIP) revision.

#### RACT

The plan states that emission reductions from reasonably available control technology (RACT) controls on "all affected sources in the Pennsylvania and Maryland portions of the modeling domain" were used in attainment demonstration. However, Pennsylvania has told EPA verbally that the plan may not use any emission reductions from RACT controls. If this is the case, Pennsylvania must clarify the plan. If emission reductions from RACT were used in attainment demonstration, then Pennsylvania must confirm, in the attainment plan submittal, that RACT rules for all affected sources in the Pennsylvania portion of the modeling domain have been submitted to EPA as SIP revisions.



FILE: PA-97



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC 12 1997

OFFICE OF  
AIR AND RADIATION

James Seif, Secretary  
Pennsylvania Department of Environmental Protection  
Rachel Carson Building - 12th Floor  
400 Market Street  
P.O. Box 8468  
Harrisburg, PA 17105-8468

Dear Secretary Seif:

In recent discussions between our agencies, Pennsylvania has raised concerns about future determinations by EPA as to attainment of the one-hour ozone standard in the Pittsburgh-Beaver Valley moderate ozone nonattainment area (the Pittsburgh area). Currently, the area's attainment date is November 15, 1997. This is an extension of the original November 15, 1996 attainment date and was granted based upon the fact that there were no exceedances of the ozone standard monitored in 1996.

First of all, let me assure you that any decision regarding whether the Pittsburgh area had met the November 15, 1997 attainment date and the status of its classification regarding the one-hour standard would carefully consider the history of events and unique circumstances of the Pittsburgh area. These events and considerations would include the following:

- Starting with the three year period 1990-1992, and continuing through 1993 and 1994, the Pittsburgh area had air quality data that met the one-hour ozone standard. As a result, in July of 1995 EPA took final action to declare that the Pittsburgh area had met the one-hour standard and to waive the 15% rate-of-progress plan and attainment demonstration requirements. When the quality assured data for 1995 indicated that the standard had been violated, those state implementation plan (SIP) requirements had to be reinstated and the public informed that the area was no longer attaining the one-hour ozone standard.

- In both a settlement agreement and in an area-specific rule subsequently promulgated by EPA for the Pittsburgh area in May of 1996, a set of scheduled milestones were put in place for the Commonwealth to submit the previously waived SIP requirements. Under that schedule, the Southwestern Pennsylvania Stakeholder process, which included EPA as a participant, was given time to complete its charge to recommend additional control measures. As the due date of the final SIP submittal milestone is December 31, 1997, it was implicit in the schedule of milestones that the benefits of any new control measures would not be realized prior to the ozone season of 1998.





- The Commonwealth has satisfied all of the interim milestones of the settlement agreement and the Pittsburgh area-specific rule to date, and is on schedule to satisfy the December 31st milestone as well. Moreover, the Commonwealth has commenced its enhanced inspection and maintenance (I/M) program in the Pittsburgh area, has commenced the implementation of Stage II vapor recovery controls and a clean gasoline program per the Stakeholders recommendations, and completed the adoption of a regulation to further control emissions of nitrogen oxides (NOx) from large sources (>250MBTU) such that a 55% reduction from 1990 levels must be achieved by 1999.

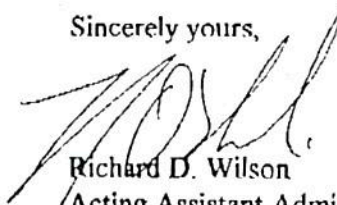
- The modeling done by the Ozone Transport Assessment Group indicates that the Pittsburgh area is significantly impacted by transport of ozone and ozone precursor emissions from upwind states. In addition, the technical analyses performed by the Commonwealth for the Pittsburgh area pursuant to the reinstated SIP requirements and Stakeholders recommendations (including an analysis of the ambient ozone levels monitored at the borders of the Pittsburgh area on days that the standard was exceeded) indicates that the area is significantly impacted by transport.

- If the Pittsburgh area has no exceedances of the one-hour ozone standard in 1998, as it did in 1996, the air quality of the area would again be in attainment for the one-hour ozone standard. The additional emission reductions that will result from the implementation of your State II vapor recovery, enhanced I/M and clean gasoline programs will increase the likelihood of this result.

- Implementation of Phase II of the Ozone Transport Commission's NOx Memorandum of Agreement will provide significant additional reductions of NOx emissions which will further benefit the Pittsburgh area.

Prior to undertaking any rulemaking decisions regarding whether the Pittsburgh area had met the November 15, 1997 attainment date and the status of its classification regarding the one-hour standard, EPA intends to carefully consider these facts and assess whether our current policies are appropriate for this unique situation. I look forward to our continuing to work together to address air quality issues in the Pittsburgh area.

Sincerely yours,



Richard D. Wilson  
Acting Assistant Administrator  
Office of Air and Radiation





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107-4431

Mr. James M. Seif  
Pennsylvania Department of Environmental Protection  
Rachel Carson State Office Building  
P.O. Box 2063  
Harrisburg, PA 17105-2063

Dear Mr. Seif:

On December 8, 1997, EPA received a revision to the Pennsylvania State Implementation Plan (SIP) from the Department of Environmental Protection pertaining to gasoline volatility requirements for the Pittsburgh-Beaver Valley nonattainment area. EPA has determined that the submittal is administratively and technically complete, and is reviewing it to prepare a Notice of Proposed Rulemaking.

If members of your staff have any questions, they may direct them to Jill Webster, Ozone/CO and Mobile Source section, at (215) 566-2033. She is the principal contact for this rulemaking.

Sincerely,

A handwritten signature in cursive script that reads "Marcia L. Spink".

Marcia L. Spink, Associate Director  
Air Programs  
Air, Radiation, and Toxics Division

